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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,005	06/11/2004	Daniel J. VanEpps, Jr.	PU03 0174US1.075	4004

24239 7590 05/13/2010
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EXAMINER

DANIELS, ANTHONY J

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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05/13/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/710,005	Applicant(s) VANEPPS, JR., DANIEL J.	
	Examiner ANTHONY J. DANIELS	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 17-29 and 31-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 17-21 is/are allowed.
- 6) ☒ Claim(s) 22-29 and 32-41 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment, filed 1/28/2010, has been entered and made of record. Claims 1-14, 17-29 and 31-41 are pending in the application.

Response to Arguments

1. Applicant's arguments with respect to claims 1-14 and 17-21 have been considered but are moot in view of the allowance of these claims.

2. Applicant's arguments regarding claims 22 and 34 and the Koshu in view of Dobashi rejection have been fully considered but they are not persuasive.

As claims 22 and 34 do not require the limitation that the adhesive does not substantially retain its adhesive to the mobile terminal housing or lens such that sheet cannot substantially be re-applied once removed, the examiner deems these arguments moot. To the extent that the newly claimed features do remain relevant, the examiner respectfully disagrees. Dobashi specifically discloses that the lens protector is a barrier to substantially prevent image capture. As such, the examiner submits that this material at least be reflective. As to Applicant's argument that there is no motivation to combine Koshu and Dobashi, the examiner submits that the security afforded by Koshu and discussed in Koshu can be easily seen as applicable to an imaging system as discussed in Dobashi.

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3. As to Applicant argument for clarification of the rejection of claims 8-14,18-21,26-29,31 and 35-41, the examiner submits that claims 8-14 and 18-21 have been allowed, thereby rendering moot this request. As to claim 31, the claim has been objected to, thereby rendering moot this request. To the extent that claims 26-29 and 35-41 have not been clarified, the examiner points to Figures 3-5 and the Abstract of Otten et al. (US # 6,537,634).

Claim Rejections - 35 USC § 103

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 22-25 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese Publication of Kosu (Japanese Publication Number: JP 2003-345255 A) in view of the Japanese Publication of Dobashi (Japanese Publication Number: JP 2002-318404 A).

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As to claim **22**, Koshu teaches a mobile terminal ([0001], "...object...") comprising: a sheet having an upper surface (Drawing 2, surfaces "2-4") and a lower surface (Drawing 2, cushion layer "5"); and an adhesive applied on the lower surface of the sheet, wherein the sheet may be releasably adhered to the surface of the mobile terminal ([0010], [0011] and [0017]); and wherein the sheet is altered upon removal from the surface ([0015]). The claim differs from Koshu in that it further requires that the mobile terminal be used in a wireless communication system and include a housing and an imaging device disposed within the housing for capturing an image through a lens and that the sheet covers the lens to substantially prevent substantially clear image capture, covers only the lens and any portion of the housing of the imaging device and be of a reflective film or opaque material.

In the same field of endeavor, Dobashi teaches a digital camera used in a wireless communication system (Drawing 1 and 14) including a reflective sheet acting as a barrier mechanism placed over a lens and any portion of the housing of the camera to prevent substantially clear image capture (Drawing 1). In light of the teaching of Dobashi, the examiner submits that it would have been obvious to combine the inventions of Koshu and Dobashi to achieve the same security afforded the objects of Koshu. Furthermore, Dobashi teaches that the barrier mechanism acts as protection for the optical system to prevent image capture.

As to claim **23** and **24**, Koshu, as modified by Dobashi, teaches a mobile terminal as recited in claim 22. Although Dobashi does not state it explicitly, **Official Notice** is taken that camera phones are well known and expected in the art. One of ordinary skill would look to apply the method of Koshu to camera phones for the advantages stated in Dobashi.

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It is noted by the examiner that because applicant has failed to timely traverse the old and well known statement above, it is now taken as admitted prior art. See MPEP 2144.03 (c).

As to claim **25**, Koshu, as modified by Dobashi, teaches a mobile terminal as recited in claim 22, wherein the imaging device is a camera (see Dobashi, Drawing 1).

As to claim **32**, Koshu, as modified by Dobashi, teaches a mobile terminal as recited in claim 22, wherein the sheet is altered upon removal and the alteration of the sheet includes irreversible destruction of the sheet upon removal (see Koshu, [0015]).

As to claim **33**, Koshu, as modified by Dobashi, teaches a mobile terminal as recited in claim 22, wherein the adhesive is a pressure-sensitive adhesive for producing a bond between the sheet and the housing of the mobile terminal or the lens ([0010] and [0011]).

As to claim **34**, claim 34 is a method claim corresponding to the apparatus claim 22. Therefore, claim 34 is analyzed and rejected as previously discussed with respect to claim 22.

2. Claims 26-29,35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobashi (JP 2002-318404 A) in view of the admitted and submitted prior art.

As to claims **26-29,35-41**, the admitted and submitted prior art teaches all of the limitations of these claims. In light of the teaching of the art, one of ordinary skill would recognize that the security labels of this prior art could be applied to the camera of Dobashi. These labels provide can provide proof of whether someone has tampered with the object.

Allowable Subject Matter

1. Claim 1-14 and 17-21 are allowed.

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The following is an examiner's statement of reasons for allowance: As to claim 1, the prior art of record does not teach or fairly suggest an apparatus for securing a mobile terminal including a housing and an imaging device disposed within the housing for capturing an image through a lens, the securing apparatus comprising a sheet having an upper surface, lower surface and an adhesive applied on the lower surface, wherein the adhesive does not substantially retain its adhesiveness upon removal from the mobile terminal housing or lens such that the sheet cannot substantially be re-applied once removed, in combination with the rest of the claim. Claims 2-14,16 and 17 are allowed as being dependent upon claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Claim 31 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The reasons for indicating allowable subject matter can be found in claim 1 as the reasons for allowance.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J. DANIELS whose telephone number is (571)272-7362. The examiner can normally be reached on 8:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Sinh Tran/

Supervisory Patent Examiner, Art Unit
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5/8/2010